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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,976	04/12/2004	Hiroyuki Kamio	008312-0309176	2078
909 7590 05/30/2008 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102				
EXAMINER				
WENDMAGEGN, GIRUMSEW				
ART UNIT		PAPER NUMBER		
2621				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/821,976

**Applicant(s)**

KAMIO, HIROYUKI

**Examiner**

GIRUMSEW WENDMAGEGN

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments filed 1/29/2008 have been fully considered but they are not persuasive.

On page10 applicant argues that Arora does not disclose or suggests

"a condition (channel) for an input to the input means differs between the two recording operations, pausing the recording when the earlier recording is ended, and when the condition for the input to the input means changes, starting the second reading after recording an identifier that can identify the earlier first recording and the succeeding second recording".

However Examiner respectfully disagrees. On page4- 5 paragraphs 0035-0037 and 0039 Arora discloses detecting a channel change between the previous channel and the present channel and if there is a change generate identifier for the new channel (program) and record. On paragraph 0037 also talks about that the recording could have been scheduled by the user.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claim1-20** is rejected under 35 U.S.C. 102(e) as being anticipated by Arora (pub No US 2004/0086263).

Regarding claim1,14,17, Arora anticipates a video recording method comprising: receiving a video signal or an audio signal (see figure1 element 105); encoding received the video signal or the audio signal into a predetermined form(see figure1 element 130); and operating if two consecutive recording operations are set, in the reservation information retaining means, comparing the recording conditions for the two recording operations, and if of the recording conditions, a condition (channel) for an input to the input means differs between the two recording operations, pausing the recording when the earlier recording is ended, and when the condition for the input to the input means changes, starting the second reading, after recording an identifier that can identify the earlier first recording and the succeeding second recording, in a predetermined area of the recording medium (see page4 paragraph 0035-0037 and page5 paragraph 0039 ; figure4 and 5).

Regarding claim2, Arora anticipates a video recording method according to claim1, wherein in the recording, if two consecutive recording operations are set in the reservation information, the recording when a first recording is ended, and starting a second recording with an identifier that can identify the first recording and the second recording (see figure4 step420 and 450).

Regarding claim3, Arora anticipates a video recording method according to claim1, wherein the identifier is an entry point indicative of a position of a start time of the second recording for titles consecutively recorded from a period from the start time

of the first recording and the end time of the second recording (see figure4 step 420 and 450; page4 paragraph 0036).

Regarding claim4, Arora anticipates a video recording method according to claim1, wherein the identifier includes the management information signal and encoded signal for identifying the first recording and the second recording, and recorded on a predetermined area in the recording medium (see page4 paragraph 0036).

Regarding claim5, Arora anticipates a video recording method according to claim 1, wherein when recording the received and encoded signal in the recording medium together with the identifier, retaining the signal and information using reservation information for retaining a start and end of recording in the recording medium executed by the recording means as well as recording conditions (see page4 paragraph 0034-0037).

Regarding claim6, Arora anticipates a video recording method according to claim5, wherein if two consecutive recording operations are set, the file management information to be recorded in a predetermined area of the recording medium for each recording (see figure3 element 327).

Regarding claim7, Arora anticipates a video recording method according to claim5, wherein the file management information includes at least one of recording start position information and recording end position information (page4 paragraph 0032).

Regarding claim8, Arora anticipates a video recording method according to claim5 wherein the file management information includes virtual positional information referring only to a required to be recorded in a predetermined area of the recording medium for each recording (see figure3 element 327).

Regarding claim9, Arora anticipates a video recording method according to claim5, wherein if recording has been executed for a period contained in the reservation information of the second recording since the start time contained in the reservation information for the first recording, then after the recording, a first play list referring to a reservation section for the first recording and a second play list referring to a reservation section for the second recording are created (see figure3 element 327).

Regarding claim10, Arora anticipates a video recording method according to claim5, wherein operating if two consecutive recording operations are set, to start the second recording after the first recording has been ended, while recording an identifier that can identify the earlier first recording and the succeeding second recording, so that the two recording operations maintain the same recording conditions and operations for the conditions (see figure4 step420 and 450).

Regarding claim12, Arora anticipates a video recording method according to claim 5, wherein operating if the two recording operations have the same recording conditions, to start a second recording after a first recording has been ended, while recording an identifier that can identify the first recording and the second recording, in a predetermined recording position.

Regarding claim13, Arora anticipates a video recording method according to claim 5, wherein in the recording, if two consecutive recording operations are set in the reservation information, comparing the recording conditions for the two recording operations, and if of the recording channel conditions for the signal each receive differs between the two recording operations each other, pausing the recording when the earlier recording is ended, and starting the second reading after recording an identifier that can identify the earlier recording and the succeeding second recording (see figure5, condition being channel change).

Regarding claim15, Arora anticipates a video recording apparatus according to claim14, wherein the identifier is an entry point indicative of a position of a start time of the second recording for titles consecutively recorded from a period from the start time of the first recording and the end time of the second recording (see figure4 and page4 paragraph 0034-0037).

Regarding claim 16, Arora anticipates a video recording apparatus according to claim14, wherein the identifier includes the management information signal and encoded signal for identifying the first recording and the second recording, and recorded on a predetermined area in the recording medium (see page4 paragraph 0036).

Regarding claim18, Arora anticipates a video recording and reproducing apparatus according to claim 17, wherein the recording control device operating if two consecutive recording operations are set in the reservation information retaining means, to record the two recording operations so as to record a period from the start of the earlier first recording to the end of the succeeding second recording as one recording operation, and to record an identifier that can identify the first recording and the second recording to manage the end of the first recording and the start of the second recording, in a predetermined area of the recording medium through the recording medium control means (see figure4 and page4 paragraph 0034-0037).

Regarding claim19, Arora anticipates a video recording and reproducing apparatus according to claim17, wherein the recording control device operating if two consecutive recording operations are set in the reservation information retaining means, to start the second recording after the first recording has been ended, while recording an identifier that can identify the earlier first recording and the succeeding second recording, so that the two recording operations maintain the same recording conditions and operations for the conditions (see figure4 and page4 paragraph 0034-0037).



Regarding claim 20, Arora anticipates a video recording and reproducing apparatus according to claim 17, wherein the recording control device operating when in the recording, if two consecutive recording operations are set in the reservation information, comparing the recording conditions for the two recording operations, and if of the recording channel conditions for the signal each receive differs between the two recording operations each other, pausing the recording when the earlier recording is ended, and starting the second reading after recording an identifier that can identify the earlier recording and the succeeding second recording (see figure 5, condition being channel change).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIRUMSEW WENDMAGEGN whose telephone number is (571)270-1118. The examiner can normally be reached on 7:30-5:00, M-F, all Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Girumsew Wendmagegn/  
Examiner, Art Unit 2621

/Thai Tran/  
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